UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,332	11/20/2000	John R. Josephson	OSU1159-074D	5020

8698　　7590　　01/19/2005		EXAMINER
STANDLEY LAW GROUP LLP		HIRL, JOSEPH P

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-14,16-20,25-29,31-36,39,42,43,45-50,52-54,56,59,60,63-67,70-85 and 87-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050112</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-8,10-14,16-20,25-29,31-36,39,42,43,45-50,52-54,56,59,60,63-67,70-85 and 87-91.

DETAILED ACTION

1.   This Office Action is in response to an AMENDMENT entered November 12,

2004 for the patent application 09/717,332 filed on November 20, 2000.

2.   All prior office actions are incorporated by reference.

Status of Claims

3.   Claims 1-8, 10-14, 16-20, 25-29, 31-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-

67, 70-85, and 87-91 are amended. Claims 1-8, 10-14, 16-20, 25-29, 31-36, 39, 42, 43,

45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 are pending.

Please confirm the status of claim 32. In the applicant's response dated May 14,

2004, page 15, claim 32 was cancelled.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5.   Claims 1-91 are rejected under 35 U.S.C. 102(e) as being anticipated by Amado

(U.S. Patent 5,701,400, referred to as **Amado**).

Claims 1, 72

Amado anticipates a seeker software process software process for producing a

plurality of evaluated candidates wherein each of a plurality of candidates is an

alternative within said decision space and is evaluated according to a plurality of

evaluation criteria; (**Amado**, col 31, lines 14-21; Examiner's Note (EN): given a plurality

of candidates, any candidate is an alternative); a filter software process for producing a

set of filtered candidates from evaluated candidates by comparing each candidate to

other candidates according to at least two evaluation criteria and using a form of

dominance to exclude from said subset of evaluated candidates each candidate that is

inferior to other candidate; (**Amado**, col 31, lines 22-26; col 6, lines 5-37; EN: filtering

is selection which can be done by classifying, clustering, rules, etc.); and a viewer

software process for displaying at a computer display said filtered candidates in a

plurality of linked scatterplots wherein each axis of each scatterplot represents an

evaluation criterion of said filtered candidates (**Amado**, col 2, lines 13-19; col 16, lines

57-65; col 16, lines 37-40; EN: it is axiomatic that the axis of each scatterplot

represents an evaluation criterion for if it did not, the subject matter would be null).

Claim 2

Amado anticipates seeker software process provides said plurality of candidates

by retrieving a plurality of evaluated candidates from a database (**Amado**, col 31, lines

22-26).

Claims 3, 39, 56, 75

Amado anticipates seeker software process produces said plurality of candidates

by generating a plurality of evaluated candidates using combinations of components

from a device library (**Amado**, col 31, lines 22-26; EN: Devices in a library equates to data stored in a database; sets of items are combinations; Amado is about software process).

Claims 4, 25, 76

Amado anticipates device library further comprises encoded components, component behaviors, and composition schemes (**Amado**, col 32, lines 18-31; EN: Data, "...diagnosis, planning, design and process control..." are equivalent; all data in a computer implementation is encoded).

Claims 5, 26, 77

Amado anticipates components are encoded using a functional and compositional modeling language (**Amado**, col 10, lines 14-34; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; software is encoding).

Claims 6, 27, 42, 59, 78

Amado anticipates seeker software process enables composition of a device without reference to a specific environment (**Amado**, col 31, lines 14-26; EN: test processing engine runs independent of the database; Amado is about software process).

Claims 7, 28, 43, 60, 79

Amado anticipates seeker software process enables composition of a deployed device environment (**Amado**, col 31, lines 14-26; EN: test processing engine runs independent of the database; Amado is about software process)

Claims 8, 29, 80

Amado anticipates seeker software process produces evaluated candidates

using a functional and compositional modeling language capable of enabling

simulations of behaviors or characteristics of candidates to answer a plurality of

questions in order to evaluate said candidates according to said plurality of evaluation

criteria (**Amado**, col 10, lines 14-34; ; col 32, lines 4-5; EN: Models provide

simulation).

Claims 10, 31, 46, 63

Amado anticipates seeker software process uses distributed computation to

evaluate said plurality of candidates (**Amado**, Fig.1).

Claims 11, 32, 47, 65, 82

Amado anticipates filter is selected from the group consisting of classical

dominance filter, strict dominance. filter, superstrict dominance filter, selective

superstrict dominance filter, discernible difference dominance filter, two-pass tolerance

filter, and onionskin filter (**Amado**, col 15, lines 17-53; EN: Rough sets classify and

hence are equivalent to filtering; Applicant's various filters are the equivalent of

classification rules for classifying into two or more categories wherein a specific filter

name is not novel).

Claims 12, 33, 48, 66, 83

Amado anticipates said filter uses a tolerance dominance method to produce

said subset of filtered candidates (**Amado**, col 15, lines 17-53; EN: Rough sets classify

and hence are equivalent to filtering; Applicant's various filters are the equivalent of

classification rules for classifying into two or more categories wherein a specific filter

name is not novel).

Claims 13, 20, 49, 67, 84

Amado anticipates viewer software process is adapted to use a multi-attribute

display (**Amado**, col 2, lines 13-19; Amado is about computer implementation and

displays).

Claims 14, 50, 85

Amado anticipates said viewer software process displays trade-offs among

elements of filtered candidates and enables narrowing of said subset of filtered

candidates. (**Amado**, col 16, lines 57-65; EN: DVT has a full graphics package which

would include x-y plots and scatterplots, accommodating narrowing by viewing; Amado

is about computer implementation and displays).

Claims 16, 34, 52, 70, 87

Amado anticipates plurality of candidates comprises designs for hybrid electric

vehicles (**Amado**, col 17, lines 40-59; col 32, lines 4-18; col 31, lines 37-42; EN: Amado

has a broad application and there isn't any feature in the design for hybrid electric

vehicles that is novel to Amado).

Claims 17, 35, 53, 71, 88

Amado anticipates said plurality of candidates is selected from the group

consisting of candidates for a design task, candidates for planning. task, candidates for

a purchasing task, candidates for alternative hypotheses, candidates for investment,

and candidates for an investment portfolio (**Amado**, col 17, lines 40-59; EN: Amado

includes business applications).

Claim 18

Amado anticipates a seeker software process for producing a plurality of

evaluated candidates by generating said plurality of candidates according to templates

using combinations of components from a library and wherein each of a plurality of

candidates is an alternative within said decision space and is evaluated according to a

plurality of evaluation criteria (**Amado**, col 16, lines 20-29; col 31, lines 14-26; EN: each

of a plurality of candidates is an alternative); and a filter for producing a set of filtered

candidates from said evaluated candidates by comparing each candidate to other

candidates to exclude at least one evaluated (**Amado**, col 31, lines 22-26; col 6, lines 5-

37); and a viewer software process for displaying at a computer display said filtered

candidates in a plurality of linker scatterplots wherein each axis of each scatterplot

represents an evaluation criterion of said filtered candidates (**Amado**, col 2, lines 13-19;

col 16, lines 57-65; col 31, lines 38-42; EN: it is axiomatic that the axis of each

scatterplot represents an evaluation criterion for if it did not, the subject matter would be

null).

Claim 19

Amado anticipates a viewer software process enables narrowing of said subset

of candidates (**Amado**, col 2, lines 13-19).

Claim 36

Amado anticipates a seeker software process for producing a plurality of

evaluated candidates wherein each of a plurality of candidates is an alternative within

said decision space, composed using a functional and compositional modeling

language, and is evaluated according to a plurality of evaluation criteria (**Amado**, col

10, lines 14-34; col 31, lines 14-26; EN: The software used by KADS Tool which is a

high end CASE tool is functional and compositional as represented by the KADS Tool

models; software is encoding); filter for producing a set of filtered candidates, wherein

said filter compares candidates and uses at least two evaluation criteria to exclude

evaluated candidates according to said evaluation (**Amado**, col 31, lines 22-26; col 6,

lines 5-37); and a viewer software process for displaying at a computer display said

filtered candidates in a scatteredplot wherein each axis of said scatterplot represents an

evaluation criterion of said candidates (**Amado**, col 2, lines 13-19; col 31, lines 38-42;

EN: it is axiomatic that the axis of each scatterplot represents an evaluation criterion for

if it did not, the subject matter would be null).

Claim 45

Amado anticipates said functional and compositional modeling language is

capable of enabling simulations of behaviors or characteristics of candidates to answer

a plurality of questions in order to evaluate said candidates according to said plurality of

evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The software

used by KADS Tool which is a high end CASE tool is functional and compositional as

represented by the KADS Tool models; modeling is simulation)

Claim 54

Amado anticipates providing a plurality of evaluated candidates wherein each of

a plurality of candidates is composed using a functional and compositional modeling

language capable of enabling simulations of behaviors or characteristics of candidates

to answer a plurality of questions in order to evaluate said candidates according to a

plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The

software used by KADS Tool which is a high end CASE tool is functional and

compositional as represented by the KADS Tool models; modeling is simulation);

displaying at a computer display said evaluated candidates in a plurality of linked

scatterplots wherein each axis of each scatterplot represents an evaluation criteria of

said candidates for comparison of subsets for further (**Amado**, col 2, lines 13-19; col 16,

lines 57-65; col 31, lines 38-42; EN: scatterplots are merely generic graphs with a

multitude of values represented as dots; linked scatterplots merely mean that some of

the data of plot A is contained in Plot B; it is axiomatic that the axis of each scatterplot

represents an evaluation criterion for if it did not, the subject matter would be null;

Amado is about computerization and appropriate displays).

Claim 64

Amado anticipates producing a set of filtered candidates from said plurality of

evaluated candidates (**Amado**, col 32, lines 6-7).

Claim 73

Amado anticipates producing evaluated candidates includes the step of retrieving

said plurality of candidates from a database (**Amado**, col 32, lines 4-5).

Claim 74

Amado anticipates said plurality of candidates using a seeker software process

(**Amado**, col 32, lines 4-5).

Claim 81

Amado anticipates the step of asking questions about plurality of candidates and

receiving answers to them from said functional and compositional modeling language

simulators (**Amado**, col 10, lines 14-34; EN: models provide answers).

Claim 89

Amado anticipates producing a plurality of evaluated candidates wherein a

plurality of candidates is alternatives within said decision space, is composed using a

functional and compositional modeling language, and is evaluated according to a

plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The

software used by KADS Tool which is a high end CASE tool is functional and

compositional as represented by the KADS Tool models; software is encoding); filtering

said plurality of evaluated candidates to produce a set of filtered candidates wherein

said filtering compares each candidate to other candidates according to at least two

evaluation criteria to exclude from said evaluated candidates each candidate that is

inferior to any other candidate (**Amado**, col 31, lines 14-26; col 6, lines 5-37); displaying

on a computer screen linked scatterplots wherein each axis of each scatterplot

represents an evaluation criterion of said filtered candidates and that show a distribution

of candidates along each evaluation criterion for a decision problem (**Amado**, col 2,

lines 13-19; EN: scatterplots are merely generic graphs with a multitude of values

represented as dots; linked scatterplots merely mean that some of the data of plot A is

contained in Plot B; it is axiomatic that the axis of each scatterplot represents an

evaluation criterion for if it did not, the subject matter would be null; Amado is about

computer implementation and displays).

Claim 90

Amado anticipates comprising the step of selecting candidates using an

interactive graphical user interface (**Amado**, col 31, lines 38-42; Figs. 27-64).

Claim 91

Amado anticipates the step of performing intersections of sets of selected

candidates (**Amado**, col 31, lines 38-42; col 6, lines 5-37; EN: Intersections relate to

commonality or synchronization among classifications or clustering).

Response to Arguments

6.   With the filing of a terminal disclaimer in compliance with 37 CFR 1.321(c), the

double patenting rejection is withdrawn.

7.   The rejections under 35 U.S.C. 101 are withdrawn.

8.   Applicant's arguments filed on November 20, 2000 related to Claims 1-8, 10-14,

16-20, 25-29, 31-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 have

been fully considered but are not persuasive.

In reference to Applicant's argument:

Applicant respectfully submits that Amado's invention for issuing advisories and warnings to executives
about the status of a business is completely unrelated to Applicant's invention for exploring a decision
space. Applicant's invention assists a computer user with making decisions about a potentially large

number of alternatives that are available to the user. A "candidate" in Applicant's invention is an alternative within the decision space. As indicated in Applicant's specification, candidates may be designs for a car. Each car design may be examined according to performance criteria such as top speed, mileage, and weight. Another example of a decision space according to Applicant's invention is investment alternatives that are examined based on capitalization-value, mean-historic-monthly return, variance-of-return, and price earnings-ratio. As with car designs or any set of alternatives, each investment may be examined according to various performance criteria.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of

the invention. Limitations appearing in the specification but not recited in the claim are

not read into the claim. All elements of the applicant's claims have been addressed in

prior office actions. Amado is exploring a decision space.

In reference to Applicant's argument:

Applicant's invention reduces the size of a decision space by applying dominance filtering to candidates. As Applicant explained in a prior response, filtering according to the present invention is comparison-based and produces from a potentially very large set of possible alternatives only those alternatives that represent "trade-offs." After a filter is applied, none of the remaining candidates are superior to the others in every respect. The user can then examine the remaining candidates in the viewer to determine which candidate or candidates have the attributes that the user considers to be the most important.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of

the invention. Limitations appearing in the specification but not recited in the claim are

not read into the claim. All elements of the applicant's claims have been addressed in

prior office actions. Filtering is merely a selection process than can be done by

diagnostics, classifying, clustering, rules, limits, ranges, etc. Amado identifies

diagnostics @ c 31, l 22-26.

In reference to Applicant's argument:

Applicant respectfully submits that Amado addresses a problem that is unrelated to exploring a decision space and therefore, does not teach or even suggest generating, producing, or acquiring candidates that

are alternatives in a decision space, and more importantly, does not teach or even suggest applying dominance filtering to candidates to exclude inferior candidates from a set of alternatives. Applicant's amended claims 1, 18, 36, 54, 72, and 89 specifically state that candidates are generated, produced, or acquired, that they are filtered to exclude inferior candidates, and that the remaining candidates may be examined in scatterplots.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of

the invention. Limitations appearing in the specification but not recited in the claim are

not read into the claim. All elements of the applicant's claims have been addressed in

prior office actions. Unless specifically limited by the applicant, which it has not been, a

decision space can be any space about which one makes a decision no matter how

trivial it may be. Amado's diagnostics are generated relevant to a database or decision

space. The diagnostics are superior to those diagnostics that were not chosen. A

scatter plot is just a two dimensional cluster (Amado @ c5, l 41-50).

In reference to Applicant's argument:

It is the Examiner's position Amado discloses "candidates" in Col. 10, ll. 14-34. The cited passage states only that the KADS tool generates specifications of applications for decision-making systems and that complex activities can be analyzed. Applicant respectfully submits there is no statement or teaching related in any way to a plurality of candidates that are alternatives in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of

the invention. Limitations appearing in the specification but not recited in the claim are

not read into the claim. The Examiner has full latitude to interpret each claim in the

broadest reasonable sense. Complex activities is decision space. KADS generates

diagnosis which are candidates in the decision space.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses "candidates" in Col. 16, II. 20-29. The cited passage states only that the EsteemTm knowledge extraction tool may be used to build decision making and problem solving applications which use reasoning on prior experience. The passage further includes some programming details. Applicant respectfully submits there is no statement or teaching related in any way to a plurality of candidates that are alternatives in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Decision making involves selection from alternatives where such alternatives would be in a decision space. It is axiomatic that decision making involves decision space.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses "candidates" in Col. 31, II 14-26. The cited passage states only that there is a test database with test descriptions, formulas data tables, data items with identifiers identifying the set of items to which tests will be applied, and triggers data table where each test is associated with a set of triggers. The triggers produce an action. Applicant respectfully submits that data items as described by Amado are not candidates and that there is no statement or teaching in this passage that is related in any way to a plurality of candidates that are alternatives in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The database represents a decision space which has candidates.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses a filter for excluding inferior candidates in Col. 6, II. 5-37. The cited passage states only that fuzzy systems are different from probability and gives an example. Applicant respectfully submits there is no statement or teaching related in any way to a plurality of candidates that are filtered to exclude inferior candidates.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Degree of membership functions as a filter.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses a filter for excluding inferior candidates in Col. 31, II 14-26. The cited passage describes a test database with test descriptions, formulas data tables, data items with identifiers identifying the set of items to which tests will be applied, and triggers data table where each test is associated with a set of triggers. The triggers produce an action. The cited passage further describes a tests-processing engine for interpreting if-then-else statements and triggers for producing diagnostic statements. As argued above, diagnostics according to Amado are advisory messages or warnings to executives and are completely unrelated to candidates in a decision space. Applicant respectfully submits there is no statement or teaching related in any way to candidates that are filtered to exclude inferior candidates.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Filters merely act as a reducing function and "group identifiers " achieve such a function.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses a viewer in Col. 2,11. 13-19. The cited passage states only that the Corporate Vision T" decision support tool is a spreadsheet program that helps user visually analyze facts and graphically see corporate data. Data is merged from several sources and filtered. Key information is extracted and may be displayed in 3D graphics, tables, and hypertext. Applicant respectfully submits there is no statement or teaching related in any way to a viewer for examining in scatterplots candidates that are tradeoffs in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. A scatterplot is a simple graphic and its field of view (graphic) is the decision space. A simple graphic is a viewer. Each "dot" on the graphic is a tradeoff relative to another "dot". Data was also filtered as the applicant has acknowledged.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses a viewer in Col. 16,11. 57-65. The cited passage describes Database Visualization Tool Tm knowledge extraction tool that evaluates data and suggests graph types that best illustrate the database a variety of graphical types are supported. However, there is no mention of scatterplots. Applicant respectfully submits there is no statement or teaching related in any way to a viewer for examining in scatterplots candidates that are tradeoffs in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. A scatterplot is a simple graphic and its field of view (graphic) is the decision space and each data point on the graph represents a tradeoff.

In reference to Applicant's argument:

It is the Examiner's position Amado discloses a viewer in Col. 31,11. 38-42. The cited passage states only that a querying engine is capable of sorting, filtering, linking, and showing synchronized database browse views of a database according to user preferences. Applicant respectfully submits there is no statement or teaching related in any way to a viewer for examining candidates that are tradeoffs in a decision space.

Examiner's response:

Para 11. applies. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Applicant admits to a viewer. Data is on the viewer and that is a decision space.

Examination Considerations

9.   The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater,* 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

10.   Examiner's Notes are provided to assist the applicant to better understand the

nature of the prior art, application of such prior art and, as appropriate, to further

indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution. However, and

unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that

one of ordinary skill in the art would find inherently appropriate.

11.   Examiner's Opinion: Paras 9. and 10. apply. While there maybe material in the

specification that is worthy of allowance, the claims, as written, grossly generalize the

material of the applicant's prior patent (US 6,771,293) to the extent that a plurality of

prior art anticipates the applicant's claims. Amado just happens to be the art that is

being used today. The Examiner strongly encourages the applicant to fully understand

paras 9. and 10. of this office action. Applicant is encourage to write up just one

independent claim that both the Applicant and the Examiner can agree on. At the

moment, much is being wasted on a plurality of claims that simply miss the mark.

Regarding prior telephone comments, the concept of "means for" may not go far

enough.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

13.   Claims 1-8, 10-14, 16-20, 25-29, 31-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-

67, 70-85, and 87-91 are rejected.

Correspondence Information

14.   Any inquiry concerning this information or related to the subject disclosure

should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

(571) 272-3685. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 872-9306 (for formal communications intended for entry);

or faxed to:

(571) 273-3685 (for informal or draft communications with notation, of

"Proposed" or "Draft" for the desk of the Examiner).

Joseph P. Hirl

January 12, 2005